



General Assembly

January Session, 2015

**Committee Bill No. 5101**

LCO No. 5822



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Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

**AN ACT CONCERNING LICENSE REQUIREMENTS FOR CERTAIN  
TYPES OF POOLS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-36 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) The Commissioner of Public Health shall establish a Public  
4 Health Code and, from time to time, amend the same. The Public  
5 Health Code may provide for the preservation and improvement of  
6 the public health.

7 (1) Said code may include regulations pertaining to retail food  
8 establishments, including, but not limited to, food service  
9 establishments, catering food service establishments and itinerant food  
10 vending establishments and the required permitting from local health  
11 departments or districts to operate such establishments.

12 (2) Drainage and toilet systems to be installed in any house or  
13 building arranged or designed for human habitation, or field  
14 sanitation provided for agricultural workers or migratory farm

15 laborers, shall conform to minimum requirements prescribed in said  
16 code.

17 (3) Said code may include regulations requiring toilets and  
18 handwashing facilities in large stores, as defined in such regulations,  
19 in shopping centers and in places dispensing food or drink for  
20 consumption on the premises, for the use of patrons of such  
21 establishments, except that the provisions of such regulations shall not  
22 apply to such establishments constructed or altered pursuant to plans  
23 and specifications approved or building permits issued prior to  
24 October 1, 1977.

25 (4) The provisions of such regulations (A) with respect to the  
26 requirement of employing a qualified food operator and any reporting  
27 requirements relative to such operator, shall not apply to an owner or  
28 operator of a soup kitchen who relies exclusively on services provided  
29 by volunteers, and (B) shall not prohibit the sale or distribution of food  
30 at a noncommercial function such as an educational, religious, political  
31 or charitable organization's bake sale or potluck supper provided the  
32 seller or person distributing such food maintains such food under the  
33 temperature, pH level and water activity level conditions that will  
34 inhibit the rapid and progressive growth of infectious or toxigenic  
35 microorganisms. For the purposes of this section, a "noncommercial  
36 function" means a function where food is sold or distributed by a  
37 person not regularly engaged in the for profit business of selling such  
38 food.

39 (5) The provisions of such regulations with respect to qualified food  
40 operators shall require that the contents of the test administered to  
41 qualified food operators include elements testing the qualified food  
42 operator's knowledge of food allergies.

43 (6) Each regulation adopted by the Commissioner of Public Health  
44 shall state the date on which it shall take effect, and a copy of the  
45 regulation, signed by the Commissioner of Public Health, shall be filed  
46 in the office of the Secretary of the State and a copy sent by said

47 commissioner to each director of health, and such regulation shall be  
48 published in such manner as the Commissioner of Public Health may  
49 determine.

50 (7) Any person who violates any provision of the Public Health  
51 Code shall be guilty of a class C misdemeanor.

52 (b) [Notwithstanding any regulations to the contrary, the] The  
53 Commissioner of Public Health shall charge the following fees for the  
54 following services: [(1) Review of plans for each public swimming  
55 pool, seven hundred fifty dollars; (2) review of each resubmitted plan  
56 for each public swimming pool, two hundred fifty dollars; (3)  
57 inspection of each public swimming pool, two hundred dollars; (4)  
58 reinspection of each public swimming pool, one hundred fifty dollars;  
59 (5) review] (1) Review of each small flow plan for subsurface sewage  
60 disposal, two hundred dollars; and [(6)] (2) review of each large flow  
61 plan for subsurface sewage disposal, six hundred twenty-five dollars.  
62 The commissioner shall amend the regulations adopted pursuant to  
63 this section as necessary to implement the provisions of this  
64 subsection.

65 (c) (1) For purposes of this subsection, "public pool" means an  
66 artificial basin constructed of concrete, steel, fiberglass or other  
67 impervious material and equipped with a controlled water supply that  
68 is intended for recreational bathing, swimming, diving or therapeutic  
69 purposes and includes, but is not limited to, any related equipment,  
70 structure, area or enclosure intended for the use of any person using or  
71 staffing such pool.

72 (2) The Department of Public Health shall classify public pools into  
73 one of the following categories:

74 (A) Public swimming pool, which is a pool used or intended to be  
75 used for recreational bathing, swimming or water recreation activities;

76 (B) Public wading pool, which is a pool principally used or intended

77 to be used for wading and recreational bathing by small children;

78 (C) Public spa, which is a pool used for recreational bathing in  
79 conjunction with a high velocity air system, a high velocity water  
80 recirculation system, hot water, cold water, a mineral bath, or any  
81 combination thereof;

82 (D) Public diving pool, which is a pool used solely for diving or the  
83 instruction and practicing of diving techniques; or

84 (E) Special purpose public pool, which is a pool used for a  
85 specialized purpose, including, but not limited to, a splash pad or  
86 spray park where the water is recirculated, water flume, pool used for  
87 scuba diving instruction, therapeutic pool, hydrotherapy pool or a  
88 pool used in an aquatics program for handicapped persons. The  
89 category of a special purpose public pool does not include a flotation  
90 vessel, which shall not be subject to review by the Department of  
91 Public Health. For purposes of this subparagraph, "flotation vessel"  
92 means a tank devoid of light and sound and containing salt water in  
93 which a person floats for purposes including, but not limited to,  
94 meditation, relaxation and alternative medicine.

95 (3) The commissioner shall charge the following fees for the  
96 following services: (A) Review of plans for a public pool, seven  
97 hundred fifty dollars; (B) review of a resubmitted plan for a public  
98 pool, two hundred fifty dollars; (C) initial inspection of a public pool,  
99 two hundred dollars; and (D) any subsequent inspection of a public  
100 pool, one hundred fifty dollars. The commissioner shall amend the  
101 regulations adopted pursuant to this section as necessary to implement  
102 the provisions of this subsection.

103 [(c)] (4) Notwithstanding subsection (a) of this section, regulations  
104 governing the safety of [swimming] public pools shall not require  
105 fences around naturally formed ponds subsequently converted to  
106 [swimming] public pool use, provided the converted ponds [(1)] (A)  
107 retain sloping sides common to natural ponds, and [(2)] (B) are on

108 property surrounded by a fence.

109 (d) The local director of health may authorize the use of an existing  
110 private well, consistent with all applicable sections of the regulations  
111 of Connecticut state agencies, the installation of a replacement well at a  
112 single-family residential premises on property whose boundary is  
113 located within two hundred feet of an approved community water  
114 supply system, measured along a street, alley or easement, where (1) a  
115 premises that is not connected to the public water supply may replace  
116 a well used for domestic purposes if water quality testing is performed  
117 at the time of the installation, and for at least every ten years thereafter,  
118 or for such time as requested by the local director of health, that  
119 demonstrates that the replacement well meets the water quality  
120 standards for private wells established in the Public Health Code, and  
121 provided there is no service to the premises by a public water supply,  
122 or (2) a premises served by a public water supply may utilize or  
123 replace an existing well or install a new well solely for irrigation  
124 purposes or other outdoor water uses provided such well is  
125 permanently and physically separated from the internal plumbing  
126 system of the premises and a reduced pressure device is installed to  
127 protect against a cross connection with the public water supply. Upon  
128 a determination by the local director of health that an irrigation well  
129 creates an unacceptable risk of injury to the health or safety of persons  
130 using the water, to the general public, or to any public water supply,  
131 the local director of health may issue an order requiring the immediate  
132 implementation of mitigation measures, up to and including  
133 permanent abandonment of the well, in accordance with the  
134 provisions of the Connecticut Well Drilling Code adopted pursuant to  
135 section 25-128. In the event a cross connection with the public water  
136 system is found, the owner of the system may terminate service to the  
137 premises.

138 Sec. 2. (NEW) (*Effective October 1, 2015*) (a) The Commissioner of  
139 Public Health may establish public pool design guidelines without  
140 adopting such guidelines as regulations for purposes of establishing

141 minimum standards for the proper construction and maintenance of  
142 public pools.

143 (b) The Department of Public Health shall charge a fee of fifteen  
144 dollars for a copy of the public swimming pool design guidelines  
145 established pursuant to subsection (a) of this section.

146 Sec. 3. Subsection (d) of section 4-186 of the general statutes is  
147 repealed and the following is substituted in lieu thereof (*Effective*  
148 *October 1, 2015*):

149 (d) The provisions of this chapter shall not apply: (1) To procedures  
150 followed or actions taken concerning the lower Connecticut River  
151 conservation zone described in chapter 477a and the upper  
152 Connecticut River conservation zone described in chapter 477c, (2) to  
153 the administrative determinations authorized by section 32-9r  
154 concerning manufacturing facilities in distressed municipalities, (3) to  
155 the rules made pursuant to section 9-436 for use of paper ballots, [and]  
156 (4) to guidelines established under section 22a-227 for development of  
157 a municipal solid waste management plan, and (5) to guidelines  
158 established by the Department of Public Health under section 2 of this  
159 act relating to minimum standards for the proper construction and  
160 maintenance of public pools.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	19a-36
Sec. 2	<i>October 1, 2015</i>	New section
Sec. 3	<i>October 1, 2015</i>	4-186(d)

***Statement of Purpose:***

To create a different fee structure for services charged by the Department of Public Health for public pools classified as special purpose public pools.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. PISCOPO, 76th Dist.

H.B. 5101